

chapter 19

Emergency Response



Emergency Response

Program Assistance

Emergency Phone Numbers

For a more comprehensive listing, refer to the In Addition Section at the end of this Chapter.

24-Hour Emergency Spill Response - Call the Environmental Emergency Hotline at 800/832-8224; or during business hours contact the TNRCC Central Office at 512/239-2507 or your Region Office.

24-Hour Fish Kill and Hazardous Substance Releases - Call the Texas Parks and Wildlife Department at 512/389-4848 or 713/649-0708.

Oil and Gas Production, Storage or Crude Oil Transportation Spills - For inland oil and gas spills, call the Texas Railroad Commission at 512/463-6788.

Radiation Equipment - Call the Bureau of Radiation Control (Texas Department of Health) at 512/458-7460.

Transportation Incidents - Call the Environmental Emergency Hotline at 800/832-8224.

State Authority

Texas Natural Resource Conservation Commission (TNRCC)

TNRCC is the State's lead agency in spill response for all hazardous substance spills, certain inland oil spills, and spills of other substances which may cause pollution. The TNRCC may act independently if no federal on-scene coordinator is present or no action is being taken by a federal agency in response to a spill or discharge of oil, hazardous substances, or other substances. The response may include actions to abate and remove the spill.

TNRCC is also the State's lead agency for Superfund activities and serves as one of the State's representatives to the federal Regional Response Team (RRT). The RRT is responsible for planning and preparedness before a response action is taken and for coordination and advice during such actions.

General Land Office (GLO)

The Texas General Land Office (GLO) is the state's lead agency for response to oil spills that enter or threaten to enter coastal waters. GLO's jurisdiction extends beyond simply waters that are subject to tidal influence. GLO is also authorized to issue permits for pipelines and platforms located on State lands (coastal submerged lands).

Texas Railroad Commission (RRC)

The RRC is the lead agency for spills or discharges associated with the exploration, development, or production (including storage or transportation) of oil, gas, and geothermal resources. Refining or manufacturing processes are excluded from RRC jurisdiction; however, the processing of natural gas or natural gas liquids at gasoline plants or at natural gas or natural gas liquids processing plants is subject to RRC oversight.

Crude oil or natural gas pipeline spills or discharges, whether hazardous or nonhazardous, are also regulated by RRC; however, spills from refined product pipelines, gasoline, diesel, and other fuel oils are not.

Texas Parks and Wildlife Department (TPWD)

The TPWD's primary responsibility is the protection of the State's fish and wildlife resources. TPWD responds to reports of fish kills and wildlife mortality associated with spills and pollution incidents.

Texas Department of Health (TDH)

TDH is charged with evaluating threats to human health caused by contamination of water supplies, shellfish, and finfish resources.

Texas Department of Public Safety (DPS)

DPS has adopted rules relating to the reporting of all transportation incidents involving releases of reportable quantities of hazardous materials and on-site coordination of transportation emergencies on public roads and railroads.

During transportation incidents involving hazardous materials, the DPS official is responsible for on-site coordination of transportation

emergencies for all unincorporated areas and may assume the on-site coordination role within cities when requested to do so by a local government.

Texas Department of Transportation (TXDOT)

TXDOT and TNRCC have a contractual agreement authorizing TXDOT personnel, equipment, and materials for State-funded cleanup actions. All expenses and costs resulting from cleanup activities are paid from the Texas Spill Response Fund and will likely result in a cost recovery action by TNRCC against the responsible person.

Texas Natural Resource Trustees

The Governor has designated TNRCC, GLO, and TPWD as the three State Trustees to pursue restoration of the State's natural resources that are affected by a spill or release. The natural resources for which the Trustees are responsible are land, fish, air, water, groundwater, drinking water supplies and sediment.

Program Requirements

Reportable Spills

Federal Reporting

Reportable spills, as defined by federal regulations, shall be reported by the responsible person immediately to the National Response Center (NRC) duty officer in Washington D.C. The toll-free number for the NRC is 800/424-8802. All notices of spills received at NRC are relayed immediately by telephone to the pre-designated federal On-Scene Coordinator (OSC) for the affected area. If it is not possible to immediately report to NRC, the report may be given to the office of the appropriate federal OSC (Coast Guard or EPA, see In Addition Section). However, the responsible person is still required to notify NRC as soon as possible. Notification to NRC does not constitute notice to the State.

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State Reporting

Texas has established a toll-free Environmental Emergency Hotline at 800/832-8224 to provide the regulated community with a notification system designed to satisfy their State reporting requirements with a single phone call. Callers dialing the hotline will be connected to the Texas Department of Public Safety (DPS) Communications Center where DPS dispatchers will record the incoming call, determine which State agency has jurisdiction, and relay the report to that agency both verbally and by fax. Agencies included in the system are TNRCC, GLO, and RRC. This system generates an incident report and establishes a common incident numbering system.

TNRCC

The Texas Water Code, Section 26.039 and Subchapter G requires reporting to TNRCC of discharges, spills and releases, “which cause or may cause pollution of water in the state”. A telephone report is required by the person responsible, “as soon as possible and not later than 24 hours after the occurrence”. The toll-free number 800/832-8224 may be called to report these discharges, spills, or releases to TNRCC.

Reportable Spills include:

- ▼ Any amount of oil which produces a sheen on water.

New rules are being proposed that will affect TNRCC reporting requirements. The proposed rules will require the reporting of spills to land which exceed the “Federal Reportable Quantities” as listed in 40 CFR Table 302.4. If you have any questions on current reporting requirements, please contact your Region Office for assistance.

The TNRCC Office of Air Quality requires facilities to report any major upset condition (see 30 TAC Chapter 101.6). A major upset is defined as an unscheduled occurrence or excursion of a process or operation that results in an emission of air contaminants that contravenes the Texas Clean Air Act and is beyond immediate control, or a release that is initiated to protect life in the immediate or adjacent areas (see 30 TAC Chapter 101.1). Many releases may constitute a spill or discharge under the Hazard-

ous Substances Spill Prevention and Control Act as well as a major upset under TNRCC Rules. For more information on air releases, contact Air Enforcement at 512/239-3403.

Although TNRCC anticipates that the Environmental Release Hotline will accept any call it receives, the number has been established primarily for the regulated community. Other State and federal requirements for release reporting may also be satisfied by calling TNRCC at 800/832-8224.

Callers may also satisfy reporting requirements by contacting their TNRCC Region Office during regular business hours or by calling the Agency’s 24-hour location at 512/463-7727 or 512/239-2507.

GLO

Any person responsible for an unauthorized discharge of oil or the person in charge of any vessel or terminal facility from, or at which an unauthorized discharge of oil has occurred, shall immediately notify GLO at 800/832-8224 of the discharge as soon as that person has knowledge of the discharge.

Reportable Spills include:

- ▼ An unauthorized discharge of oil defined as any discharge of oil, or any discharge of oil emanating from a vessel into waters adjoining and accessible from coastal waters, that is not authorized by a federal or State permit.
- ▼ The Texas Oil Spill Prevention and Response Act of 1991 defines coastal waters as the waters and bed of the Gulf of Mexico within the jurisdiction of the State of Texas, including the arms of the Gulf of Mexico subject to tidal influence, and any other waters contiguous thereto that are navigable by vessels with a capacity to carry 10,000 gallons or more of oil as fuel or cargo.
- ▼ A discharge of oil is defined as an intentional or unintentional act or omission by which harmful quantities of oil are leaked, spilled, pumped, poured, emitted, or dumped into or on coastal waters or at a place adjacent to coastal waters where, unless controlled or removed, poses an imminent threat of pollution to coastal waters.

RRC

Spills should be reported immediately to the appropriate Railroad Commission division through the appropriate district office, or if necessary to the RRC 24-hour statewide emergency number at 512/463-6788.

Reportable Spills include:

- ▼ All spills of crude oil greater than five (5) barrels;
- ▼ All spills of any quantity of crude oil that enter water;
- ▼ All blowouts and/or fires associated with oil, gas, and geothermal activities;
- ▼ Any accidental release of hydrogen sulfide gas of sufficient volume to present a hazard and/or any hydrogen sulfide related accident; or,
- ▼ Any injury, death, property damage from gas pipelines (\$5,000) or hazardous liquid pipelines (\$50,000) or other significant incident.

Disasters

*Governor's Division of
Emergency Management*

If a spill presents or threatens to become a disaster, the Governor may make available and bring to bear all resources of the State to prevent or lessen the impact of such a disaster. As defined in the Texas Disaster Act of 1975, disaster means "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause or other public calamity requiring emergency action." A disaster is declared by executive order or governor's proclamation if a disaster has occurred or the threat of a disaster is imminent. Such an executive order activates the recovery and rehabilitation phase of the State of Texas Emergency Management Plan.

Emergency Management Council

The Texas Disaster Act of 1975 authorizes the Governor to establish an Emergency Management Council to advise and assist the

Governor in all matters relating to disaster preparedness, emergency services, energy emergencies, and disaster recovery. The Emergency Management Council is composed of the heads of all the State's agencies, boards and commissions, and representatives of organized volunteer groups. The DPS Director serves as the director of the Governor's Division of Emergency Management (DEM) and chairs the Emergency Management Council.

Emergency Management Plan

Under the State of Texas Emergency Management Plan, the Emergency Management Council is responsible for the coordination and utilization of all State resources during a disaster.

In Addition

Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases

Under the Comprehensive Environmental Response, Compensation, and Liability Act Chapter 123, local governments can request reimbursement from the Federal Superfund for temporary emergency measures taken to prevent or mitigate injury to human health, welfare, or the environment from a release or threatened release from any site. Reimbursement cannot exceed \$25,000 for a single response. For assistance contact Emergency Response at 512/239-2508; for application forms contact EPA at 800/424-9346; for an overview of this reimbursement program, refer to the Other Assistance Section in the Superfund Chapter.

Federal and State Emergency Phone Numbers

(24-hour numbers are noted in Boldface Type)

Region VI Federal Offices

Environmental Protection Agency (EPA), Region VI

Emergency Response Branch (6E-E)
1445 Ross Avenue, Dallas, TX 75202-2733
Charles Gazda 214/665-2270
Emergency Response Number
214/665-2222 (24 hr.)

United States Coast Guard (USCG)

8th District (New Orleans, LA) -
Marine Safety Division
Captain James W. Calhoun 504/589-6198 or
Commander Richard Blais 504/589-6271 or
CWO2 Michael White **504/589-6225 (24 hr.)**

Port Arthur Marine Safety Office
Captain James L. Robinson 409/724-4330
Commander W. Scott Jones 409/723-6513

Galveston Marine Safety Office
Captain R. E. Ford 409/766-3687
Commander R. B. Peoples

Houston Marine Safety Office
Captain A. C. Alejandro 713/671-5100
Commander W. P. Foreman

Corpus Christi Marine Safety Office
Captain Thomas B. Rodino 512/888-3162
Commander J. J. McQueeney
Brownsville Marine Safety Office 512/546-2786

National Response Center (NRC)

800/424-8802 or 202/267-2188 (24 hr.)

Explosive Ordnance Disposal Control Center (EODCC) U.S. Army

546th Ordnance Detachment, Fort Sam
Houston **512/221-5308 (24 hr.)**
137th Ordnance Detachment, Fort Sam
Houston **512/221-4004 (24 hr.)**
41st Ordnance Detachment, Fort Bliss
915/568-8905 (24 hr.)
47th Ordnance Detachment, Fort Hood
817/287-2929 (24 hr.)

Federal Railroad Administration

Department of Railroad Safety (Texas)
817/334-3601

National Oceanic and Atmospheric Administration (NOAA)

National Weather Service **817/334-3401 (24 hr.)**
Regional Office 817/334-2659
Weather Forecast 817/334-2631
San Antonio Office Forecast 512/822-1132

Department of Transportation (DOT)

Federal Highway Administration - Office of Motor
Carrier Safety 817/282-4550 or 817/334-3225

Department of the Interior

U.S. Fish and Wildlife Service 505/766-2914 or
505/766-2347

State Agencies

Texas Natural Resource Conservation Commission (TNRCC)

Texas Emergency Response Center
512/463-7727 (24 hr.)
Emergency Response Team 512/239-2507
Office of Air Quality 512/239-1000

Railroad Commission of Texas (RRC)

Crude Oil Spills **512/463-6788 (24 hr.)**
Railroad Emergencies **512/463-6788 (24 hr.)**
LPG Emergencies **512/463-6788 (24 hr.)**
Natural Gas or Hazardous Liquid Pipeline
Emergencies **512/463-6788 (24 hr.)**

General Land Office (GLO)

Coastal Oil Spill Reporting
800-832-8224 (24 hr.)

Texas Parks and Wildlife Department (TPWD)

Communications Center, Austin
512/389-4848 (24 hr.)
Communications Center, Houston
713/471-3202 (24 hr.)

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Federal and State Emergency Phone Numbers cont'd

Governor's Division of Emergency Management (DEM)

State Coordinator 512/465-2138
State Operations Officer 512/465-2138
Non-Duty Hours (Ask for duty officer in Division of Emergency Management) 512/465-2000
Communications Center, Austin
512/465-2277 (24 hr.)

Texas Department of Health (TDH)

Health Consultation and Environmental Epidemiology 512/458-7268
Occupational Health and Safety 512/834-6600
Shellfish Sanitation Control Division (Coastal Spills) 512/719-0200

Texas A&M University (TAMU)

409/740-4490

Texas Department of Transportation (TXDOT)

512/416-3187

Texas Department of Agriculture (TDA)

512/463-7552

Governor's Office

512/463-2000

Significant Laws

The following is a brief summary of the federal and State laws relating to emergency response. Please refer to the official rules for specific questions regarding TNRCC compliance and applicability. For questions on other state agencies' requirements, contact the appropriate agency. The TNRCC publication "Regulatory Resource" (GI-32) contains detailed information about obtaining copies of the Agency's rules (see Appendix 4). The TNRCC Rules are also accessible from the Agency bulletin board. Refer to OnLine Services in Chapter 2 for more details.

Federal Laws

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), (42 U.S.C. §9601, et seq.)

Superfund Amendments and Reauthorization Act of 1986 (SARA), (Public Law 99-499)

Clean Water Act (33 U.S.C. §1251, et seq.)

National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300)

State Laws

Texas Water Code (TWC) Chapter 26.127

Establishes TNRCC as the principal authority in the State on matters relating to the quality of water in the State.

Hazardous Substances Spill Prevention and Control Act, TWC Chapter 26.262

Stipulates that it is the policy of this State to prevent the spill or discharge of hazardous substances into the waters in the State and to cause the removal of any spills and discharges without undue delay. This subchapter is intended to conform with Chapter 40 of the Natural Resources Code.

Texas Health and Safety Code Chapter (THSC) 361

Provides additional removal authorities to TNRCC with respect to the cleanup of a release or threatened release of hazardous substances at a facility.

Texas Clean Air Act (Texas Health and Safety Code Chapter 382)

Charges TNRCC with safeguarding the State's air resources from pollution by controlling or abating air pollution and emissions of air contaminants.

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Oil Spill Prevention and Response Act of 1991 (OSPRA), Texas Natural Resources Code Chapter 40.001 et seq.

Directs all state discharge response and cleanup operations resulting from unauthorized discharges of oil.

Texas Natural Resources Code Chapters 85.042, 91.101, and 91.601.

Any spill or discharge, whether hazardous or nonhazardous, that emanates from an oil, gas,

or geothermal resource exploration or production facility or brine mine or surface mine is under the jurisdiction of the RRC.

Texas Parks and Wildlife Code Chapter 12

Authorizes TPWD’s resource protection activities.

Texas Government Code Ann. Chapter 411.018 Vernon Supp. 1990

Specifies DPS’s role in on-site coordination.